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DECLARATION FOR PATENT APPLICATION

As the below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter that is claimed and for which a patent is sought on the invention entitled PLANT CYTOPROTECTIVE GENES AND METHODS OF USING SAME, the specification of which

___ is attached hereto as Attorney Docket No.

_____.
X was filed on September 12, 2001, as Application
Serial No. 09/955,526
(Attorney Docket No. P-LJ 4868)

and was amended on (or amended through) _____.
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to myself to be material to patentability as defined in Title 37, Code of Federal Regulations, Sec. 1.56.

Under Sec. 1.56, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and (1) It

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establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or (2) It refutes, or is inconsistent with, a position the applicant takes in: (a) Opposing an argument of unpatentability relied on by the U.S. Patent and Trademark Office, or (b) Asserting an argument of patentability.

I hereby claim the benefit under Title 35, United States Code, § 119(e) of the United States provisional application(s) listed below, which was converted to a provisional application by Petition under 37 C.F.R. Sec. 1.53(c)(2)(i), and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 that became available between the filing date of the prior application(s) listed below and the filing date of this non-provisional application:

| <u>Application Serial No.</u> | <u>Filing Date</u> | <u>Status</u> |
|-------------------------------|--------------------|---------------|
| 09/661,014 | 09/13/2000 | Expired |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false

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statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of inventor: John C. Reed

Inventor's signature:

Date:

Residence:

Citizenship:

Post Office Address:

Rancho Santa Fe, California, USA

USA

17044 El Camino Real
Rancho Santa Fe, California, 92067 USA

POWER OF ATTORNEY FOR PATENT APPLICATION BY ASSIGNEE

Assignee THE BURNHAM INSTITUTE is the owner of the entire right, title and interest of U.S. patent application Ser. No. 09/955,526, filed on September 12, 2001, identified as attorney docket number P-LJ 4868, and entitled PLANT CYTOPROTECTIVE GENES AND METHODS OF USING SAME, and any subsequently filed divisional, continuation, continuation-in-part or reissue application, including international and foreign applications claiming priority thereto.

The Assignee hereby appoints the following attorneys to prosecute these applications and to transact all related business in the United States Patent and Trademark Office and any international and foreign patent offices:

CATHRYN CAMPBELL, Registration No. 31,815; DAVID A. GAY, Registration No. 39,200; CALVIN A. FAN, Registration No. 38,444; ANDREA L. GASHLER, Registration No. 41,029; JAMES J. WONG, Registration No. 34,949; DEBORAH L. CADENA, Registration No. 44,048; MELANIE K. WEBSTER, Registration No. 45,201; ASTRID R. SPAIN, Registration No. 47,956; MARGARET M. PARR, Registration No. 48,111; and KIMBERLY J. PRIOR, Registration No. 41,483.

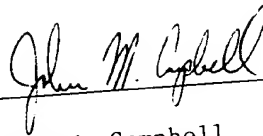
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The undersigned is authorized to sign on behalf of the
Assignee.

Signature:



Name (typed):

John M. Campbell

Title:

Director, Intellectual Property

Assignee:

THE BURNHAM INSTITUTE

Date:

Oct. 11, 2001